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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/038,585 01/08/2002 7590 09/21/2005		Olfa Chetay	Q67992	1441
			EXAMINER	
SUGHRUE MION, PLLC			LAU, TUNG S	
2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

	•	Application No.	Applicant(s)		
Office Action Summary		10/038,585	CHETAY ET AL.		
		Examiner	Art Unit		
		Tung S. Lau	2863		
The MAILI Period for Reply	NG DATE of this communication app	ears on the cover sheet with the c	orrespondence address		
WHICHEVER IS - Extensions of time ma after SIX (6) MONTH: - If NO period for reply - Failure to reply within Any reply received by	STATUTORY PERIOD FOR REPLY LONGER, FROM THE MAILING DA ay be available under the provisions of 37 CFR 1.13 S from the mailing date of this communication. is specified above, the maximum statutory period w the set or extended period for reply will, by statute, the Office later than three months after the mailing djustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be time till apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	J. ely filed the mailing date of this communication. D (35 U.S.C. § 133).		
Status					
1)⊠ Responsive	Responsive to communication(s) filed on <u>06 September 2005</u> .				
2a)☐ This action	☐ This action is FINAL . 2b)☐ This action is non-final.				
3) Since this a	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
closed in a	ccordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	3 O.G. 213.		
Disposition of Clain	ns				
4a) Of the a 5) Claim(s) 6) Claim(s) 7) Claim(s)	is/are pending in the application ibove claim(s) is/are withdraw is/are allowed is/are rejected is/are objected to is/are subject to restriction and/or	vn from consideration.			
Application Papers					
10) The drawing Applicant ma	cation is objected to by the Examiner g(s) filed on is/are: a) accessive ay not request that any objection to the control drawing sheet(s) including the correction declaration is objected to by the Examiner.	epted or b) objected to by the Edrawing(s) be held in abeyance. See on is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).		
Priority under 35 U.	S.C. § 119				
a) All b) Certi 2. Certi 3. Copi appli	gment is made of a claim for foreign Some * c) None of: fied copies of the priority documents fied copies of the priority documents es of the certified copies of the prior cation from the International Bureau ched detailed Office action for a list	s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)).	on No ed in this National Stage		
Attachment(s)					
	son's Patent Drawing Review (PTO-948) ure Statement(s) (PTO-1449 or PTO/SB/08)	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:			

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DETAILED ACTION

Election/Restrictions

Combination/subcombination

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 15-19, 23-27, 32, 28, 29, 30 and 31, drawn to monitor gas mixture having pressure, temperature and density, classified in class 702, subclass 24.
 - II. Claims 20, 21 and 22, drawn to monitor gas mixture having pressure, temperature and density using capacitance type sensing, classified in class 702, subclass 47.

The inventions are distinct, each from the other because of the following reasons:

Invention I and II are related as combination (invention I) and subcombination (invention II). Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particular of the subcombinations as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention II, the combination as claimed does not required monitor gas mixture having pressure, temperature and density using capacitance type sensing. The subcombination (invention II) has separate

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utility such as a monitor gas mixture having pressure, temperature and density using capacitance type sensing.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Paul Neils on 9/14/05 no election was made. Affirmation of this election must be made by applicant in replying to this Office action. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143)

Applicant is reminded that upon the cancellation of claims to a non-elected nvention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-

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2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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